

Report of Director of Children and Families

Report to Executive Board

Date: 18th September 2019

Subject: Outcome of consultation on the expansion of East SILC onto two additional sites.



Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s):	
Killingbeck and Seacroft, Burmantofts and Richmond Hill	
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:	
Appendix number:	

Summary

1. Main issues

- This report contains details of a proposal brought forward to meet the local authority's duty to ensure a sufficiency of learning places. The changes that are proposed form prescribed alterations under the Education and Inspections Act 2006. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and accompanying statutory guidance set out the process which must be followed when making such changes. The statutory process to make these changes varies according to the nature of the change and status of the school and the process followed in respect of the proposal is detailed in this report. The decision maker in these cases remains the local authority (LA).
- A consultation on the creation of new specialist places took place between 19 June and 24 July 2019. This included the proposal to expand East SILC – John Jamieson school (East SILC) onto two new additional sites.
- A total of 97 consultation responses were received of which 89% either strongly or somewhat supported the proposal. 3% somewhat opposed the proposal and 8% neither supported nor opposed, or were unsure about the proposal. There were no respondents that strongly opposed the proposals. Further details about the

responses and issues identified by stakeholders and respondents during the consultation period are detailed in the main body of this report.

- This report summarises the consultation responses and seeks approval from Executive Board on the recommendations below.

Recommendations

Executive Board is asked to:

- Approve the publication of a Statutory Notice on a proposal to permanently expand specialist provision at East SILC – John Jamieson by a combined total of 150 additional places, accommodated across two new additional sites, with effect from January 2020;
- Note that implementation of the proposals is subject to funding being agreed based on the outcome of further detailed design work as indicated at section 4.4.1 of this report; and
- Note the responsible officer for implementation is the Head of Learning Systems.

2. Best Council Plan Implications

- This proposed expansion of East SILC would support the achievement of the Best City Priority to help ‘young people into adulthood, to develop life skills and be ready for work’ through providing additional high quality specialist provision places.
- The proposals actively contribute towards achievement of the Child Friendly City aspiration to ‘improve educational attainment and closing achievement gaps for children and young people vulnerable to poor learning outcomes’
- Overall, this proposal offers good value for money through its capacity to support the achievement of the Best Council Plan outcome that states ‘We want everyone in Leeds to do well at all levels of learning and have the skills they need for life’

3. Resource Implications

- At this early stage in the process the cost estimates of the proposed refurbishment schemes at both sites totals £5.5m. Once the further design work is complete, budgets would then be realigned to reflect a more robust cost certainty. The proposed scheme would be funded primarily through the Special Provision Capital Fund and the Basic Need Grant. However, the precise funding packages will be confirmed at the design freeze stage, and detailed in the relevant Design and Cost report (DCR).

1. Purpose of this report

- 1.1 This report contains details of a proposal brought forward to meet the local authority's duty to ensure a sufficiency of learning places including provision for children and young people with Special Educational Needs and Disabilities (SEND).
- 1.2 This report describes the outcome of a consultation regarding a proposal to expand generic specialist school provision at East SILC – John Jamieson at two new additional sites creating an additional 150 places; 50 primary places at the Oakwood building and 100 secondary places at the former Shakespeare site.

2. Background information

- 2.1 The birth rate in Leeds has been rising over the last decade and the number of children and young people, including those with Special Educational Needs and Disabilities (SEND) has increased. This has contributed to a substantial increase in the number of new Education, Health and Care Plan (EHCP) assessments and the need for additional specialist school places across the city. We are looking to meet this need in line with our wider SEND strategy, in the local communities where need is highest. Demand is citywide although there is higher growth in East and South Leeds.
- 2.2 In Leeds there are five maintained special schools - Specialist Inclusive Learning Centres (SILCs) which are all generic rather than specialising in just one type of need. The SILCs are very popular and demand is greater than the number of places available. Pupils are admitted to specialist provision through their Education, Health and Care Plans. We are now planning for the extra places we believe are needed in the foreseeable future.
- 2.3 All proposals which involve changing or creating new SEND provision must meet the requirements of the SEN Improvement Test. This involves demonstrating how any proposed changes would improve the range and quality of SEND provision, including access to wider support services and specialist teaching and that these are in line with the local authority's wider strategic plan for SEND provision and also the drive to enable mainstream inclusion.
- 2.4 Current projections indicate that there is a need of up to 200 additional specialist school places each academic year from now to 2022/23. The need in the city continues to grow with particular increases in the areas of complex learning difficulties and complex communication difficulties.
- 2.5 As part of the local authority strategy to establish additional SEND places, a stakeholder engagement event was held in April 2019 to explore and develop the potential options across the city.
- 2.6 The proposal to expand East SILC has been developed through a robust process. All existing SILCs were invited to submit an expression of interest in expanding their provision onto the former Shakespeare site. Submissions were assessed against a selection criteria and East SILC identified as the named partner in taking this proposal forward. This expansion opportunity was extended further to include the Oakwood building at the point it became available, enabling a through-school model across both sites.
- 2.7 The Oakwood building is within local authority ownership, and is located on Oakwood Lane next to the Fearnville Leisure Centre. It is currently operating as a primary specialist provision which is due to relocate from September 2019. The

proposal is to establish this building as an additional site of the East SILC to deliver generic specialist provision for up to 50 primary aged children with SEND.

- 2.8 The proposal also includes creating 100 additional permanent secondary places using the former Shakespeare Primary school building as an additional site of the East SILC. Located on Stoney Lane in Burmantofts, this building and site previously accommodated approximately 460 mainstream pupils before relocating to new larger premises in September 2018. This Private Finance Initiative (PFI) site and building is available for educational use and would be remodelled and adapted to meet the specialist needs of students with SEND. The proximity of this site to several other secondary providers, offers potential for future partnership working and inclusive learning opportunities for students. Being the larger of the two sites it can provide accommodation for a higher number of places to meet the secondary demand for SEND provision.
- 2.9 From September 2019 the former Shakespeare building will provide temporary accommodation for approximately 30 students managed by East SILC, to meet the immediate need for more specialist school places in the new academic year.

3. Main issues

- 3.1 There is an identified need for additional specialist places within both primary and secondary phases across Leeds, to meet projected demand over future years. East SILC is a popular choice with families and is over-subscribed. The two additional sites are located in areas of high demographic need and population density and the proposal aligns with the council's ambition to educate children within the communities that they live. The proposed 150 additional places forms part of the solution to address anticipated future pressure on specialist provision in Leeds.
- 3.2 East SILC was rated 'Good' by Ofsted at its most recent inspection in February 2017 and is popular with families. The SILC benefits from strong leadership and management and a dedicated skilled staff team who are very positive about the potential permanent expansion onto two additional sites. The executive principal, head teacher and governing body are confident that if the East SILC were to expand, existing high standards of learning could be maintained, resulting in improved outcomes for a greater number of children and young people with SEND.
- 3.3 During the consultation period there were 97 survey responses received.
- 3.4 In total, 68 out of the 97 respondents (70.8% of the total) strongly supported the proposal and a further 17 were somewhat in support of it (17.7% of the total). In comparison a further 3 who somewhat opposed it (3.1% of the total). 8 respondents stated that they neither supported nor opposed the proposal, or were not sure about it. There were no respondents who strongly opposed the proposal.
- 3.5 72 of the 97 respondents stated that they found the consultation process useful.
- 3.6 A copy of the responses received can be requested from the Sufficiency and Participation Team at educ.school.organisation@leeds.gov.uk
- 3.7 A summary of the main themes from the comments submitted by the survey respondents who strongly or who somewhat supported the proposal to permanently expand East SILC are listed below;
 - More specialist school places are needed to meet demand from the growing number of children and young people with SEND in the city

- There are increasing numbers of children and young people whose needs should be met within specialist provision
- Children and young people with SEND are waiting too long for a place
- The proposal would provide more choice for families
- Support was received for both proposed sites to be used for specialist provision
- Responses included positive feedback on current provision provided through East SILC

3.8 The proposal received only a couple of concerns. Those raised by respondents and responses to those concerns are summarised as follows;

Concern: The reputation and educational standards of the East SILC were raised as a concern with a view that a new school would be a better option rather than an expansion.

Response: East SILC was inspected by Ofsted in February 2017 and was rated good. The SILC is a popular choice with families. The SILC has strong leadership and a highly skilled staff team in place to ensure the proposed expansion of their provision would be well managed and maintained.

In addition, Local Authorities are no longer able to open new local authority run community schools. The 2011 Education Act introduced the 'free school presumption' meaning that, where local authorities identify a need for a new school, this must be a free school established through the 'Free School Presumption' process. This would entail a lengthy process to identify a sponsor to run the new school and the specialist places would not be available in time to meet the immediate need.

Concern: The proposal relates to creating additional places in an area where it is perceived to have a high level of crime.

Response: The proposed additional sites are established educational buildings at present. The level of crime in these areas has not been raised as a concern by previous occupants of these buildings.

4. Corporate considerations

4.1 Consultation and engagement

4.1.1 The process in respect of all the proposals has been managed in accordance with the relevant legislation and with local good practice.

4.1.2 The consultation was carried out over a five week period and included use of an on-line survey. A number of drop-in sessions were held at a variety of venues supported by officers from Highways, Sufficiency and Participation, and City Development teams. The drop-ins provided opportunities for parents, carers, SILC staff, and local residents to ask questions and find out more about the proposals. Information about the consultation was distributed widely, including all the parents of pupils currently attending a SILC provision, all Leeds schools and academies (primary and secondary), SEND parents support groups, on the Leeds City Council website, the Family Information Service website, Twitter and Facebook. Leaflets highlighting the consultation, and the timings of the consultation drop-in meetings were distributed to local residents and displayed at a number of prominent locations in the area.

4.1.3 As the proposal is part of a city wide strategy for SEND places, the details of the consultation were shared with all ward members across Leeds. In addition, briefings were offered to the ward members local to the proposed sites. At a briefing the ward members of Burmantofts and Richmond Hill offered their support for the proposals for the former Shakespeare building as use for SEN provision and at their request feedback was shared at SEND programme board.

4.2 Equality and diversity / cohesion and integration

4.2.1 The EDCI screening form for the proposal is attached as an appendix to this report.

4.3 Council policies and the Best Council Plan

4.3.1 This proposal offers good value for money through its capacity to support achievement of the Best Council Plan outcome that states 'we want everyone in Leeds to do well at all levels of learning and have the skills they need for life'.

4.3.2 This proposal is being brought forward to meet the local authority's statutory duty to ensure that there are sufficient learning places for all the children in Leeds. Providing specialist places closer to where children and young people with SEND live promotes inclusion within their local community.

4.3.3 This proposal contributes to the aspiration for Leeds City Council to be the best council and for Leeds to be the best city in which to grow up in, and a child friendly city. The delivery of pupil places through the Learning Places Programme is one of the baseline entitlements of a child friendly city. By creating good quality local learning places and environments we can support the priority aims of ensuring children and young people do well in learning and closing achievement gaps for those vulnerable to poor learning outcomes. We want all children and young people in the city to have access to a wide range of opportunities, develop key life skills, and be supported on ambitious pathways to enable them to thrive supporting the council's ambition to produce a strong economy and a compassionate city. A good quality learning place also contributes towards delivery of targets within the Children and Young People's Plan such as the 3A's strategy to improve achievement, attainment and attendance at school.

Climate Emergency

4.3.4 There is an identified need for additional specialist provision in the east of Leeds for children and young people with SEND. This proposal would offer more choice and is local to the demographic need. This would reduce journey times to and from specialist schools which in some cases can be a long distance from where the learner resides.

4.3.5 The SILC would support students to undertake 'independent travel training' where appropriate to encourage independence for the young person to safely travel to school on public transport.

4.3.6 Any contractors tendering for the proposed refurbishment schemes will need to demonstrate a robust Waste Management Plan, be registered with The Considerate Constructors Scheme, of which, the main consideration of the scheme falls into three categories: The general public, the workforce and the environment. Contractors will also need to be sympathetic to the Leeds Talent and Skills Plan by

seeking to employ local trades where possible thus reducing the impact of extended travel.

4.3.7 It is intended that the future Design and Cost Report (DCR) to be submitted for these projects will provide greater detail on this matter.

4.4 Resources, procurement and value for money

4.4.1 The costs for Shakespeare and Oakwood are currently based on benchmarking data provided by Educational Building & Development Officers Group (EBDOG) as they are both at an early stage in the process. Once the feasibility stage is completed and the schemes proceed to the detailed design phase, budgets will be realigned to reflect that all parties have agreed the final designs and cost estimates, in accordance with standard project and risk management principles. Schemes would also be subject to relevant stakeholder consultation.

4.4.2 The cost estimate of the proposed scheme at Shakespeare is £3,628,832 and for Oakwood £1,840,360 both of which will be funded primarily through the Special Provision Capital Fund and the Basic Need Grant in addition to a combination of other funding streams including: council borrowing and Community Infrastructure Levy. However, the precise funding packages will be confirmed at the design freeze stage, and detailed in the relevant DCR. The above costs are inclusive of internal remodelling/refurbishment works, condition related works, project fees and the necessary furniture and equipment associated with the expansion.

4.4.3 School Places Programme Board, chaired by the Director of Children and Families, provides strong cross council and corporate involvement to ensure that appropriate governance is applied to learning places schemes and it specifically approves individual scheme DCRs, along with any necessary Capital Risk Fund applications. Executive Board approved the establishment of a Capital Risk Fund to provide a mechanism which enables timely and proportionate responses to variations which are required to individual project budgets. Decisions by the Director of Children and Families to access the fund must be made with the prior approval of the Director of City Development and the Director of Resources & Housing, both of whom are Board members, and be in consultation with the appropriate Executive Members.

4.5 Legal implications, access to information, and call-in

4.5.1 The processes that have been and will be followed are in accordance with the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

4.5.2 This report is subject to call in

4.6 Risk management

4.6.1 These proposals have been brought forward in time to allow additional specialist places to be delivered during the academic year 2019/20 to support the current demand for places. The former Shakespeare building is temporarily accommodating a 30 place cohort from September. A decision not to proceed at this stage may result in fresh consultations on new proposals, and places to meet the immediate need would not be delivered in time. It may also result in further bulge cohorts being

delivered in other SILCs which would be more costly in the longer term. The local authority's ability to meet its statutory duty for sufficiency of learning places in the short term may be at risk.

- 4.6.2 There is also a corporate risk associated with failing to provide sufficient learning places in good quality buildings that meet the needs of local communities. Both proposed additional sites were formerly used for education provision and are both currently vacant.
- 4.6.3 In circumstances where a former education site owned by the Local Authority is vacant there could be a risk that the Department for Education take possession of the asset from the Local Authority to facilitate the development of a new free school. Bringing these buildings back into educational use mitigates this risk.

5. Conclusions

- 5.1 Our ambition is to be the best city in the country. As a vibrant and successful city we will attract new families to Leeds, and making sure that we have enough learning places, including places in specialist provision, is one of our top priorities. These proposals have been brought forward to support learners with SEND in Leeds to benefit from being able to access a local specialist place and so delivering our vision of Leeds as a child friendly city.
- 5.2 The majority of the respondents support the expansion of East SILC. The few concerns raised during consultation have been considered, and on balance, the proposal remains strong and addresses the need for specialist places in the area.
- 5.3 The additional places are required to ensure the authority meets its legal requirement to ensure sufficiency of specialist places. It is therefore recommended that the proposal to permanently expand East SILC on the two new additional sites be approved.

6. Recommendations

Executive Board is asked to:

- Approve the publication of a Statutory Notice on a proposal to permanently expand specialist provision at East SILC – John Jamieson by a combined total of 150 additional places, accommodated across two new additional sites, with effect from January 2020;
- Note that implementation of the proposals is subject to funding being agreed based on the outcome of further detailed design work as indicated at section 4.4.1 of this report; and
- Note the responsible officer for implementation is the Head of Learning Systems.

7. Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.